

REMARKS

This amendment is submitted to remove the issue raised by the cancellation of claim 13. This amendment places the application in better condition for Appeal. Applicants request that the prior Amendment be entered for purposes of Appeal. Regarding the issues raised in the Advisory Action:

(1) Cancellation of claim 14

The Examiner states that the cancellation of claim 14 resulted in a new issue. Claims 15 and 16 have been amended to depend from claim 13, thus rendering the Examiner's alleged new 35 U.S.C. 112 issue moot.

(2) Support for Claim 13.

Applicants request that the Examiner reconsider the position taken with respect to claim 13 allegedly not having support. First, a certified copy of the priority of the Danish priority application was provided on February 6, 2002. The USPTO has confirmed receipt of this document.

However, the issue before the USPTO is whether the application had support for claim 13 as of the time of filing. The issue of whether a foreign has support of the subject matter is not the issue before the Examiner. In this regard, as discussed in the last response, original claim 13 provides that the method can comprise "one or more" of the recited steps. The original claims of an application form a part of the disclosure. This recitation of "one or more" means that all of the recited steps can be employed. Thus, the Examiner's assertion that the claims lack proper written description support because the specification does not teach that the steps can be used together is not valid, as even the original claims disclosed this possibility.

The Examiner has not addressed this point in the Advisory Action.

(3) The Prior Art

The Examiner rejects Applicants' argument on the basis that introduction of the the gas phase component would be inherent. As explained in the last response, the introduction of a gas phase component is not inherent in either of these references:

(a) **Mishima** does not teach or suggest a coated particle in which the coating comprises a gas phase component. Mishima teaches only the use of a supercritical (CO₂) as a solvent for

preparing the coating material. That is, the supercritical solvent is used to dissolve the coating material in preparation of microcapsules; and

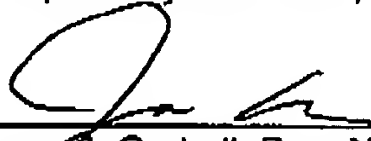
(b) Theon et al.'s effervescent agent is not a gas phase component, rather an effervescent agent is a gas forming component.

Thus, neither reference inherently anticipates the claimed invention.

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. Alternatively, Applicants request that these amendments be entered for purposes of Appeal. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

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Jason I. Garbell, Reg. No. 44,116
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212)840-0097